

DMA Policy: 3-0211

Name: EXEMPT COMPENSATORY TIME

Reference: MOM 3-0211

Reference: FLSA, Title 29 U.S.C., CHAPTER 8

Approval Signature: John E. Walsh

Effective Date: September 1, 2008

It is the policy of the Department of Military Affairs to comply with the Federal Fair Labor Standards Act of 1938. Nothing in this policy guarantees that an employee will be allowed to work hours which result in the accrual of exempt compensatory time.

1. Supervisory personnel are responsible for ensuring that any hours worked causing an employee to accrue exempt compensatory hours are necessary in order to accomplish a departmental task, and that the work unit will not be disrupted when an employee takes earned exempt compensatory time off.
2. Supervisors and employees will adjust the hours of the workweek whenever possible to avoid the accrual of compensatory time.
3. An employee's supervisor decides whether hours in excess of 40 in a workweek, which an exempt employee spends traveling, attending conferences, lectures, meetings, education, or training should be credited as exempt compensatory time under these rules.
4. Exempt compensatory time will accrue at the rate of 1 hour for each hour of overtime worked.
5. Exempt compensatory time may not be accrued beyond 120 hours. The employee's supervisor may, at any time, prohibit the accumulation of exempt compensatory time until an employee's balance is reduced below 120 hours.
6. Exempt compensatory time shall be recorded in no smaller than increments of 1/10-hour.

Timetable:

6	minutes	=	.1	hour	12	minutes	=	.2	hour
18	minutes	=	.3	hour	24	minutes	=	.4	hour
30	minutes	=	.5	hour	36	minutes	=	.6	hour
42	minutes	=	.7	hour	48	minutes	=	.8	hour
54	minutes	=	.9	hour	60	minutes	=	1.0	hour

7. Exempt compensatory time is not earned until an employee has 40 hours in a pay status each week. If the employee earns exempt comp time, the compensatory hours must be recorded in the "Comp Time Earn" row of the timecard.

8. Compensatory time off must be taken in minimum increments of one-half hour (.5). Time off is left to the discretion of the immediate supervisor and the employee.

9. A maximum of 120 hours of exempt compensatory time may be carried over from one calendar year to the next. A determination of excess exempt compensatory time will be made as of the end of the first pay period which extends into the next calendar year. The employee must take off all excess compensatory time during the first 90 days of the next calendar year or forfeit the excess hours, except when the department head or designee extends the forfeiture deadline provided in paragraph 10.

10. In the first 90 days of the calendar year, the department head or a designee may extend the number of days the employee has to use excess compensatory time prior to forfeiture. The employee is required to make a reasonable written request to take the time off. Reasonable at a minimum would allow sufficient notice to take the accrued exempt compensatory time off before the forfeit date. The agency may grant the request to take the time off before the forfeit date or grant an extension. The extension must be made in writing not later than March 31 each year. The length of this extension is up to the discretion of the department head or designee, not to exceed December 31 each year. Any excess compensatory time not taken by December 31 is forfeited.

11. When an employee's position is reclassified, the FLSA classification must be evaluated. If the reclassification of a position results in changing the FLSA classification from nonexempt to exempt, all nonexempt compensatory time must be used prior to using exempt compensatory time or the nonexempt compensatory time may be cashed out at the rate of pay prior to reclassification.

12. When an employee is promoted from a nonexempt position to an exempt position, all nonexempt compensatory time must be used prior to using exempt compensatory time or the nonexempt compensatory time may be cashed out at the rate of pay prior to reclassification.

13. There shall be no lump sum cash compensation for accrued exempt compensatory time upon termination. Exempt compensatory time may be transferred between agencies provided the new agency agrees.

14. Employees covered under a union agreement must follow the terms of the union contract.